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FACEBOOK, INC.

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION**

16 FACEBOOK, INC., a Delaware corporation,

Case No. C-07-03404 HRL

**Plaintiff.**

v

19 Brian Fabian, Josh Raskin, Ming Wu, and  
20 JOHN DOES 4-10, individuals; and Istra  
Holdings Inc., Slickcash.com, 1564476  
21 Ontario Limited, and JOHN DOES 14-20,  
corporations.

## **STIPULATED ORDER AND PERMANENT INJUNCTION**

## Defendants.

25           **WHEREAS** Plaintiff Facebook, Inc. ("Facebook") has commenced this action seeking,  
26 among other relief, a permanent injunction enjoining Defendants Istra Holdings, Inc. ("Istra  
27 Holdings"), 1564476 Ontario Limited ("Ontario Limited"), Brian Fabian ("Fabian"), and Ming

1 Wu ("Wu") (the defendants hereafter to be referred to as the "Defendants"), and their officers,  
2 agents, servants, and employees, and those persons acting in concert or participation with them,  
3 from directly or indirectly from becoming members of, accessing, paying third parties to access,  
4 or introducing automated codes or scripts designed to access, Web sites owned or operated by  
5 Facebook ("Facebook.com"), or from attempting to contact members of Facebook.com using  
6 any information, including but not limited to names, email addresses, or screen names obtained  
7 from, or verified as valid by, access to Facebook.com;

8  
9       **WHEREAS** the parties have consented, pursuant to the Settlement Agreement between  
10 them, to the entry of a permanent injunction against Defendants, the terms of which are set forth  
11 below.

12  
13       **THEREFORE** the parties stipulate as follows:

14       1.       The Court has jurisdiction over the subject matter at issue in this action. The  
15 Defendants consent to the jurisdiction of this Court for the purpose of entry and enforcement of  
16 this Stipulated Order and Permanent Injunction, but for no other purpose.

17       2.       The Defendants, their officers, agents, servants, employees, successors, and  
18 assigns, and any persons acting in active concert or participation with them who receive actual  
19 notice of this Order by personal service or otherwise be, and they are, hereby immediately and  
20 permanently and forever enjoined from:

21           a.       Retaining or using any information that was obtained from  
22 Facebook.com, including but not limited to, the code used to introduce the automated script on  
23 Facebook.com, any programs and/or software code designed to obtain information from the  
24 Facebook.com, any and all information returned to the defendants as a result of the script's,  
25 program's, and/or software's operation, and any other information gathered from Facebook.com  
26  
27

1 and/or about Facebook users as alleged in the Complaint in the above-captioned matter, and that  
2 they will not use such information for any purpose;

3           b.     Becoming members of, accessing, paying third parties to access, or  
4 introducing automated codes or scripts designed to access, Facebook.com for a period of ten  
5 (10) years from the effective date of the Settlement Agreement between the parties in this  
6 matter; and

7           c.     Attempting to contact members of Facebook.com using any information  
8 obtained from Facebook.com as alleged in the above-captioned matter, including but not limited  
9 to names, email addresses, or screen names obtained from, or verified as valid by, access to  
10 Facebook.com;

11           d.     Participating, assisting, aiding, abetting, or engaging in any transaction  
12 with, any other person or entity engaging in or performing any of the activities in paragraphs a  
13 or b above;

14           3.     This Stipulated Order and Permanent Injunction is final and may not be appealed  
15 by either party;

16           4.     The Court shall retain jurisdiction to enforce this Stipulated Order and Permanent  
17 Injunction and the settlement agreement between the Parties;

DATED this 10<sup>th</sup> day of April, 2008.

FACEBOOK, INC.

By:   
Mark Zuckerberg  
(print name)  
Its: Deputy General Counsel  
(title)

ISTRA HOLDINGS, INC.

By:   
Brian Fabian  
(print name)  
Its: President  
(title)

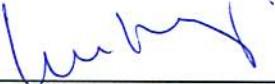
1564476 ONTARIO LIMITED

By:   
Brian Fabian  
(print name)  
Its: Director  
(title)

BRIAN FABIAN

By:   
Brian Fabian  
(print name)

MING WU

By:   
Ming Wu  
(print name)

It is hereby ORDERED, ADJUDGED AND DECREED

DONE AND ORDERED this \_\_\_\_ day of \_\_\_\_\_, 2008.

The Honorable Howard R. Lloyd

1 Approved as to form by:

2 **PERKINS COIE LLP**

3  
4 By:/s/ David Chiappetta  
5 David Chiappetta

6 Attorneys for Plaintiff  
7 FACEBOOK, INC.

8 *and*  
9 **Duane Morris LLP**

10 By: /s/ Gregory G. Iskander  
11 Gregory Iskander

12 Attorneys for Defendants Istra Holdings, Inc., 1564476 Ontario Limited, Brian Fabian, and Ming  
Wu

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